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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,584	01/05/2001	Arto Astala	NC28246a	3813

26349 7590 07/28/2005

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EXAMINER

PEREZ DAPLE, AARON C

ART UNIT PAPER NUMBER

2154

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/755,584

Applicant(s)

ASTALA ET AL.

Examiner

Aaron C. Perez-Daple

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Action is in response to RCE filed 5/16/05, which has been fully considered.
2. Amended claims 1 and 3-25 are presented for examination.
3. Claims 2 and 3 are cancelled.
4. Claims 26-45 have been withdrawn from consideration.
5. This Action is non-Final.

### *Claim Rejections - 35 USC § 112*

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 1-25** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "is capable of" in claim 1 is a relative term which renders the claim indefinite. The term "is capable of" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. In particular, it is not clear to the Examiner whether the limitations following "is capable of" are positive limitations on the claims. That is, merely being *capable of* an action does not mean that the action is actually performed. For example, it is unclear whether a terminal and a server that *could* be programmed to perform the recited functions – but do not actually contain such programming – would be sufficient to meet the limitations of the claims. This is particularly true since the claims are directed towards an apparatus and not a process. For the purpose of

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applying prior art, the Examiner will treat these limitations as positive limitations on the claims. However, the Examiner notes that Win et al. (US 6,182,142 B1) could stand as a 102(e) reference under the broader interpretation, since it teaches all of the hardware components of the claims.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1, 4-7 and 9-20** are rejected under 35 U.S.C. 102(e) as being obvious over Win et al. (US 6,182,142 B1) (hereinafter Win) in view of Shannon (US 6,233,618 B1) (hereinafter Shannon).

10. As for claim 1, Win discloses a system coupled to a network, wherein the system comprises:

at least one terminal capable of wireless communication with the network through a gateway (ISP 926, Fig. 9; col. 27, lines 32-46, "Network link 920...transporting the information."), wherein the terminal is capable of being utilized by at least two users such that the terminal provides shared communication facilities for the at least two users pursuant to a group profile (col. 27, lines 17-31, "Computer system 900...types of information."; Fig. 9);

a server coupled to the gateway for providing services and information management services to the terminal, wherein the terminal is capable of providing group level authentication, and wherein the server is capable of downloading the group profile to the terminal in response to the group level authentication such that each user of the terminal is capable of accessing information and services defined by the group profile (server 930, Fig. 9; col. 6, lines 48-51); and

a global address server (Registry Server 108, Fig. 1) coupled to the gateway, wherein the global server unit provides the terminal with an address of an access provider (local network 922, Fig. 9), an internet service provider (ISP 926, Fig. 9), a mobile service provider (network resource, col. 14, line 58 – col. 15, line 12) or the server to facilitate subsequent communications by the terminal (col. 14, lines 58-67; col. 6, line 62 – col. 7, line 13; Fig. 9).

Under a second interpretation of the Win reference, further detailed in the Office Action mailed 12/14/04, the Examiner finds that the global address server may be anticipated by the DNS server inherent to Win and required for resolving the URL's into IP addresses. See Cohen, col. 1, lines 59-66, for an exemplary teaching of the inherency of this limitation.

Win does not specifically disclose that the group profile may be based on the identity of the terminal. Shannon teaches establishing a group profile based on the identity of the terminal for the purpose of controlling access privileges based on the physical terminals used (col. 13, lines 52-65). For example, this system has the advantage of allowing users to access specific resources from only certain locations, such as the library or the lab, and not others. It would have been obvious to one of ordinary skill in the art to modify Win by using a group

profile based on the identity of the terminal in order to control access privileges based on the identity of the physical terminals used, as taught by Shannon.

11. As for claim 4, Win discloses the system of claim 1, wherein the terminal initiates authentication of the terminal before a shared communication session is established (The communication session with the requested resource is not established until authentication is complete. See col. 6, lines 48-61, "Access Server 106...by the system 2.").
12. As for claim 5, Win discloses the system of claim 1, wherein the global address server comprises a global registry including the address of an access provider (local network 922), an internet service provider (ISP 926), and a mobile service provider (network resource, col. 14, line 58 – col. 15, line 12).
13. As for claim 6, Win discloses the system of claim 1, wherein the user is authenticated in a network node and wherein authentication is provided for a shared communication session based on information received from a global registry (col. 6, lines 48-61, "Access Server 106...by the system 2.").
14. As for claim 7, Win discloses the system of claim 1, wherein a user of the terminal initiates a request for an individual communication session with the server (col. 6, lines 6-16, "The system 2...to Web resources.").
15. As for claim 9, Win discloses the system of claim 8, wherein the enabled services are located in a support server (protected servers 104 and 112, Fig. 1).
16. As for claim 10, Win discloses the system of claim 8, wherein the enabled services are located in an Internet (Fig. 1).

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17. As for claim 11, Win discloses the system of claim 8, wherein the enabled services are group and individual services (col. 5, lines 28-61, "The system 2...may occur rapidly.").
18. As for claim 12, Win discloses the system of claim 1, wherein the server comprises:
  - a support server coupled to an internet service provider for providing the terminal with information management services, including access to messaging services (access server 106, Fig. 1);
  - a directory server coupled to the support server for providing directory services including authentication of the terminal and each user (registry server 108, Fig. 1); and
  - an application server coupled to the directory server for providing application specific services (protected servers 104 and 112, Fig. 1; see also col. 27, lines 47-55, "Computer system 900...as described herein.").
19. As for claim 13, Win discloses the system of claim 12, wherein the terminal is authenticated by a network unit to start a shared communication session and each user is authenticated by the support server for starting an individual communication session (col. 6, lines 48-61, "Access Server 106...by the system 2.").
20. As for claim 14, Win discloses the system of claim 12, wherein the application server transmits a group specific profile to the terminal of a specified group when a shared communication session is active and transmits an individual specific profile to the terminal when an individual communication session is active (col. 5, lines 28-61, "The system 2...may occur rapidly."; col. 6, lines 39-47, "Integration Tools 115...Registry Repository 110."; col. 6, line 65 - col. 7, line 5, "When the user selects...user's name and roles.").

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21. As for claim 15, Win discloses the system of claim 14, wherein the group specific profile and the individual specific profile include language selection unique to that profile (col. 6, lines 39-47, "Integration Tools 115...Registry Repository 110.").
22. As for claim 16, Win discloses the system of claim 14, wherein at least one individual specific profile has administrative rights to modify the group specific profile (col. 5, lines 28-40, "The system 2 enables...and Hotline Staff.").
23. As for claim 17, Win discloses the system of claim 16, wherein at least one parameter of the services and the group specific profile can be updated by the user having administrative rights (col. 5, lines 28-40, "The system 2 enables...and Hotline Staff."; col. 5, line 64 - col. 6, line 5, "The system 2...administration time savings.").
24. As for claim 18, Win discloses the system of claim 17, wherein the updated parameter is stored in a database of the server when a change session is terminated (col. 13, lines 2-8, "Administration Application...in Registry Server 108.").
25. As for claim 19, Win discloses the system of claim 18, wherein after the change session is terminated, updated content is selectable from any terminal of the specified group (col. 13, lines 2-8, "Administration Application...in Registry Server 108."; col. 14, lines 6-19, "Defining roles involves...are then defined.").
26. As for claim 20, Win discloses the system of claim 12, wherein at least one parameter of the services and the group specific profile can be updated by any terminal that is part of the group (col. 13, lines 2-8, "Administration Application...in Registry Server 108."; col. 14, lines 6-19, "Defining roles involves...are then defined.").



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27. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Win and Shannon in view of Lee.

28. As for claim 8, Win and Shannon do not specifically disclose the use of wireless terminal comprising a touch sensitive display. Lee teaches the use of a wireless terminal comprising a touch sensitive display (col. 1, lines 56-62, "The wireless or handheld...these portable devices."). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Win by including a wireless terminal comprising a touch sensitive display, because this would allow for communication with the many existing handheld and wireless devices comprising such a display, as taught by Lee.

29. **Claims 21-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Win and Shannon in view of Huang et al. (US 6,553,375 B1) (hereinafter Huang).

30. As for claim 21, Win discloses the system of claim 12, wherein the support server comprises:

an application server (protected servers 104 and 112, Fig. 1);

a login service unit coupled to the application server for authenticating the terminal for a shared session and an individual session (access server 106, Fig. 1);

a profile service unit coupled to the application server for providing and updating shared session profiles and individual session profiles (registry server 108, Fig. 1); and

an administrative service unit coupled to the application server for administration of the support server and a network application server (administration application 114, Fig. 1).

Win does not specifically disclose a global upgrade server for transmitting software upgrades to an upgrade service unit. The Examiner interprets that in teaching receipt of

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downloaded application programs (col. 27, lines 47-55, "Computer system 900...as described herein."), Win inherently teaches an upgrade service unit when combined with an upgrade server, as taught below. Huang teaches a global upgrade server for transmitting software upgrades to a remote terminal in order to maintain the most current software (col. 4, line 53 - col. 5, line 17, "In the present invention...to the server, etc."; col. 6, lines 16-31, "In both situations...by the client."). It would have been obvious to one of ordinary skill in the art to modify Win and Shannon by adding a global upgrade server for transmitting software upgrades to a remote terminal in order to maintain the most current software, as taught by Huang.

31. As for claim 22, Win teaches a network for delivering applications and data to remote terminals via a network which may include the internet or world wide web. It is understood by those of ordinary skill in the art that information delivered over the internet may include advertising information. "Official Notice" is given that it is both known and expected in the art to configure advertising services based on a user profile for the purpose of more effective advertising. It would have been obvious to one of ordinary skill in the art to modify Win by including an advertising service unit coupled to the application server for configuring advertised services for the appropriate profile associated with the session that is active on the terminal, because this would allow for more effective advertising. See Herz et al. (US 6,571,279 B1) for an example of the prior art teaching these limitations.
32. As for claim 23, Win teaches the system of claim 21, wherein at least one parameter of the group profile and individual profile can be changed by the application server (col. 5, lines 28-61, "The system 2...may occur rapidly.").

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33. As for claim 24, Win discloses the system of claim 1, wherein the global unit comprises:
- a firewall unit for providing secured access (firewall 118, Fig. 1);
  - a global address server coupled to the firewall unit for storing the internet address of the server associated with the terminal (registry server 108, Fig. 1).

Although Win teaches downloading application programs (software) from remote servers, which application programs might reasonably include updated data, Win does not *explicitly* disclose a global upgrade server coupled to the global address server for providing *updated* data, including software, to the server and the terminal. Huang teaches a global upgrade server for providing updated data to remote terminals in order to maintain the most current software (col. 4, line 53 - col. 5, line 17, "In the present invention...to the server, etc."; col. 6, lines 16-31, "In both situations...by the client."). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Win and Shannon to include providing updated data, including software, to the server and the terminal in order to maintain the most current software, as taught by Huang.

34. As for claim 25, Win discloses downloading executable software but does not explicitly disclose a global upgrade server for the reasons above. Huang discloses a global upgrade server wherein an upgrade service unit receives, from the global upgrade server, a software product comprising:

- executable software (col. 3, lines 15-22, "In accordance with...of the applications.");
- at least one identification of the software product (col. 5, lines 6-17, "Each item in...to the server, etc."); and

an address of the server from where the software can be downloaded, wherein the global upgrade server responds to the server identifying from where the software product is available for downloading (col. 4, line 53 - col. 5, line 17, "In the present invention... to the server, etc.").

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Win and Shannon by including a global upgrade software with the limitations above in order to maintain the most current software in remote terminals, as taught by Huang above.

### ***Response to Arguments***

35. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the Win reference, the Examiner notes that the terminals of Win may be used by multiple users to access the same resources, as defined by the group and/or individual profiles, and therefore are capable of being utilized by at least two users such that the terminal provides shared communication facilities for the at least two users to access the same information and services. The claims do not require that the system needs no "separate authorization of the individuals." As presently recited, the claims only require that any member of the group be able to access the information and services associated with that group, irrespective of whether a separate logon is required. This limitation is met by Win, as detailed in the rejection above.

Lee is not relied upon to teach a global address server, therefore this point is moot.

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Huang is not relied upon to teach a terminal providing shared communication facilities, therefore this point is moot.

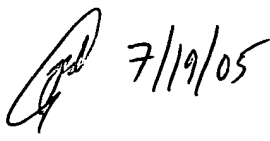
For all of these reasons, claims 1 and 3-25 are properly rejected under 35 USC 103(a).

***Conclusion***

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron C. Perez-Daple whose telephone number is (571) 272-3974. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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